



PROPOSED RULE MAKING

C 102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-02-240 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 16-25 WAC, Disposal of Dead Livestock. This chapter relates to the disposal of livestock carcasses.

Hearing location(s):

Holiday Inn Express
9220 East Mission Avenue
Spokane Valley, WA 99206
Date: March 13, 2007 Time: 6:30 p.m.

Ellensburg Inn
1700 Canyon Road
Ellensburg, WA 98926
Date: March 14, 2007 Time: 6:30 p.m.

Best Western Tulalip Inn
3228 Marine Drive NE
Marysville, WA 98271
Date: March 15 Time: 6:30 p.m.

Submit written comments to:

Name: Teresa Norman
Address: 1111 Washington St SE
Olympia, WA 98504
e-mail WSDARulesComments@agr.wa.gov
fax (360)902-2092 by (date) March 15, 2007

Assistance for persons with disabilities: Contact

Date of intended adoption: March 16, 2007 March 21, 2007
(Note: This is NOT the effective date)

WSDA Receptionist by March 6, 2007

TTY (360) 902-1996 or (360) 902-1976

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to establish rules for the disposal of dead livestock in order to provide appropriate options for livestock producers when dealing with livestock deaths. The proposal will maintain regulatory consistency among the various state agencies with authority in this area.

Reasons supporting proposal: Over the past several years, the Department of Health, Department of Ecology, and WSDA have identified deficiencies in current regulations regarding the disposal of dead animals. Chapters 16.36 and 16.68 RCW authorize the department to adopt rules related to the disposal of animals that have died from disease or unknown causes in order to prevent the spread of animal disease.

Statutory authority for adoption: Chapters 16.36, 16.68 and 34.05 RCW

Statute being implemented: 16.36

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE January 22, 2007

NAME (type or print)
Leonard E. Eldridge, DVM

SIGNATURE Leonard E. Eldridge, DVM
TITLE State Veterinarian

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 24 2007

TIME 11:14 AM

WSR 07-03-173

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Agency comments or recommendations: any, as to statutory language, implementation, enforcement, and fiscal matters:
None.

Name of proponent: (person or organization) Washington State Department of Agriculture

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Leonard Eldridge	P.O. Box 42577 Olympia, WA 98504-2577	(360) 902-1881
Implementation..... Leonard Eldridge	P.O. Box 42577 Olympia, WA 98504-2577	(360) 902-1881
Enforcement..... Leonard Eldridge	P.O. Box 42577 Olympia, WA 98504-2577	(360) 902-1881

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

There is no economic impact associated with these rule amendments.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328(5)(a)(i).

Chapter 16-25 WAC

DISPOSAL OF DEAD LIVESTOCK

NEW SECTION

WAC 16-25-010 Purpose. The purpose of this rule is to prevent the transmission of livestock diseases and to protect the public health, safety, and welfare and Washington state's livestock industry through the proper routine disposal of carcasses of livestock that have died because of disease. The statutory authority for the rule is found in RCW 16.36.010 and 16.36.092.

NEW SECTION

WAC 16-25-015 Applicability. This rule applies to the disposal of livestock that has died because of disease or an unknown cause.

NEW SECTION

WAC 16-25-020 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Burial" means placing a carcass below the natural surface of the ground and completely covering it with soil.

"Carcass" means the body or tissues of a livestock animal that has died or has been killed other than by slaughter for human or animal consumption or commercial use.

"Composting" means the aerobic decomposition of organic matter under controlled conditions.

"Death from disease" means livestock that has died from a disease or an unknown cause.

"Emergency disposal" means disposal of carcasses ordered depopulated by the director or depopulated as a result of a

reportable disease listed in WAC 16-70-010.

"Incineration" means the controlled and monitored combustion of carcasses for the purposes of volume reduction and pathogen control as approved by the department of ecology or local air pollution control authorities.

"Landfill" means a permitted facility, whether on-site or off-site, where solid waste is permanently placed in or on land, in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

"Livestock" means horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. This term does not include free ranging wildlife as defined in Title 77 RCW.

"Natural decomposition" means decomposition of carcasses through natural decay processes on the surface of the ground without cover material.

"Open burning" means the act of consuming or destroying a carcass by fire with or without the use of an accelerant.

"Rangeland" means a large open area for grazing of livestock in excess of one hundred sixty acres of contiguous usable grazing or timberland.

"Rendering" means the practice of using heat to convert dead animal carcasses and animal by-products into marketable products, such as meat and bone meal for animal feed, human food additives, or cosmetics.

"Routine disposal" means the disposal of the carcass of a livestock animal that died in the normal course of business. Routine disposal does not include carcasses of livestock ordered depopulated by the director or depopulated as a result of a reportable disease listed in WAC 16-70-010.

NEW SECTION

WAC 16-25-025 Routine disposal. A carcass must be disposed of within seventy-two hours to avoid nuisance odors or disease. The following are acceptable methods for the routine disposal of carcasses:

(1) **Burial.**

(a) A carcass may be disposed of by burial on the property where the livestock animal died if done with the approval of the property owner.

(b) A carcass must be buried to a depth so that no part of the carcass is nearer than three feet to the natural surface of the ground. Every part of the carcass must be covered with at least three feet of soil within twenty-four hours of placement in the ground.

(c) Carcass burial must be:

(i) At least three hundred feet from any well, spring, or body of surface water, such as a river, stream, lake, pond, or intermittent stream;

(ii) At least three hundred feet from any residence not owned by the owner of the livestock animal;

(iii) At least fifty feet from any property line; and

(iv) Not in a low-lying area subject to seasonal flooding or within a hundred-year flood plain or in a manner that will impact ground water.

(d) Each burial site is limited to one thousand pounds of carcasses or one livestock animal weighing more than one thousand pounds.

(e) Carcass burial is not allowed on a property of less than five acres, except for the burial of a single carcass weighing less than two hundred pounds. The maximum amount of land used for burial during any year is limited to ten percent of the property or one acre, whichever is greater.

(2) **Burning.** Open burning of carcasses is not allowed for routine disposal under RCW 70.94.775.

(3) **Composting.** Composting must be conducted in compliance with chapter 70.95 RCW and chapter 173-350 WAC.

(4) **Incineration.**

(a) Complete incineration of carcasses to a mineral residue must be performed in an approved incineration facility or by a mobile air curtain incinerator; and

(b) Appropriate permits must be obtained in advance through the local air pollution control authority or the department of ecology in accordance with requirements of chapter 70.94 RCW, Washington Clean Air Act.

(5) **Landfill.** Carcasses may be disposed of at a privately or publicly owned landfill with prior approval of the local health officer and the landfill operator, and permitted in accordance with chapter 70.95 RCW and chapters 173-350 and 173-351 WAC.

(6) **Natural decomposition.** A livestock animal that dies on private or state rangeland from causes other than a significant infectious or contagious disease agent may be left to decompose naturally on that property as long as the carcass:

(a) Is at least one thousand three hundred twenty feet from any well, spring, sinkhole, or body of surface water such as a river, stream, lake, pond, or intermittent stream;

(b) Is at least one thousand three hundred twenty feet from any residence not owned by the owner of the dead livestock animal;

(c) Is at least one thousand three hundred twenty feet from any public roadway;

(d) Is out of public view; and

(e) Is left to decompose on the land with the property owner's permission.

(7) **Digestion.** Digestion of carcasses may be accomplished only in a properly designed and sized carcass digester approved by the director.

(8) **Rendering.** Carcasses may be rendered only by a rendering plant licensed under chapter 16.68 RCW, Disposal of dead animals.

NEW SECTION

WAC 16-25-030 Disposal of livestock that have died from a reportable disease. The carcass of a livestock animal that has died from a reportable disease must be disposed of in consultation with the state veterinarian. The list of reportable diseases and reporting requirements are found in chapter 16-70 WAC.

NEW SECTION

WAC 16-25-040 General emergency authority. If the state veterinarian determines there is an animal health emergency, the state veterinarian has the authority to specify the method of disposal and place additional requirements for the disposal of carcasses of livestock animals that die of disease or are euthanized to prevent the spread of disease.